

REMARKS

The present Amendment is in response to the Office Action dated February 28, 2005 in reference to the above-identified application. The Examiner set a shortened statutory period for reply of three (3) months, making the present Amendment due by May 28, 2005. Filed concurrently herewith is a request for a three-month extension of time so that the present Amendment is due by August 28, 2005 (a Sunday), thus making this response due no later than Monday August 29, 2005.

In the Office Action, the Examiner has objected to certain informalities in the specification at page 10. The Examiner will note these have been appropriately corrected. Claims 6, 10 and 13 are rejected under 35 U.S.C. §112(b) as being indefinite based on the phraseology "or the like". Each of these claims has been amended to remove such language. The Examiner had a different 112(b) concern as to claim 14, but this claim is now cancelled by this Amendment.

As to the rejections over the art, claims 1, 3-6 and 11-14 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,820,055 to Saindon et al. Claims 2 and 7-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Saindon et al.

By this Amendment, the Examiner will please note that various claims (1, 3-5, 11 and 14) have been cancelled. Each of the remaining claims has been amended, although as to claims 8 and 9, the amendments only entail a change of dependency.

Two independent claims 1 and 7 remain in the application. With initial reference to independent claim 2, the Examiner will note that it contains

similar recitations as cancelled claim 1 but also recites in the preamble that the real time translator is portable and recites in subparagraph (e) that the translator has “dual voice paths operated by two sound cards”. As described, this permits essentially simultaneous conversations between individuals speaking different languages. As to independent claim 7, the preamble is amended to recite a single housing for the portable real time translator. Dependent claim 10 is similarly amended to recite that the sound cards or separate channels on a single sound card, and a switching system are included within the same housing.

With regard to the feature of two sound cards as set forth in claims 2, 6, 10 and 12, the Examiner states in paragraph 8 of the Office Action that the translator of Saindon et al. implicitly has dual voice paths operated by one or more sound cards and software based the statement “the processor has a dedicated sound card for each of the encoders” at column 18, lines 9 and 10. Applicant respectfully disagrees with this conclusion and maintains that the Examiner’s interpretation is taken out of context. At the cited passage, Saindon et al. discusses that audio information from a media event is received by the processor and converted into streaming information in either a MICROSOFT or REAL format through the use of separate encoders. Saindon et al. go on to state that each encoder may have a dedicated sound card to make encoded information available for sending to MICROSOFT and REAL streaming servers for eventual delivery to viewers. In this passage, Saindon et al. are simply talking about a plurality of encoders for receiving common audio information from a media event so that the common audio information may be suitably converted to different formats.

This is not the same as having dual voice paths operated by two sound cards to allow for multilingual conversations because: (1) the voice paths would be in opposite directions (e.g., from individual 1 to individual 2, and from individual 2 to individual 1) and (2) the sound cards receive different audio input. Accordingly, whether the claims of the present application recite dual voice paths operated by two sound cards or the two separate left and right channels of a single sound card, it is quite distinguishable from the teachings in Saindon et al.

It is emphasized that the present invention as disclosed and claimed has a portable machine including two sound cards or a single sound with separately controlled separate channels. It is respectfully submitted that this is neither disclosed nor obvious in view of Saindon et al., but is indeed against common thinking. Where Saindon et al. is limited to separate independent entities (each with its single sound card) requiring to communicate across a medium such as internet/telephone/conference system, etc., the present invention entails a single unit with two cards/paths (which is uncommon) switching to enable a conversation/dialog. Thus, the use of two sound cards/paths in a single, self-contained unit which does not rely on any other medium is unique.

It is known that computers have a slot for receiving a sound card and a software controller for controlling the sound card. Such systems are set to determine the type of the single sound card and use the suitable single controller. Therefore, inherently, each computer has only a single sound card.

A PDA, a handheld microcomputer or the like, similarly has a single sound card and a single direction of audio flow from a microphone to a single

speaker. Therefore, it is unusual, if not unheard of, to have dual sound cards or a dual sound path in a single article which are separately controlled and which connect to form dual separate audio paths extending between respective inputs and outputs or separate microphones so that both audio paths can be used at the same time.

Applicant, therefore, submits that the use of dual audio paths as described and claimed in the present invention is neither known in the prior art nor an obviousness improvement over it, particularly since computers have enjoyed prevalent use for decades. This is even more particularly true for a computer used as a means for allowing dual real time translation so that a standard conversation with its inherent two-way interaction can occur, rather than the stilted take turns approach of known systems.

Based on the foregoing, Applicant submits that the present application is in complete condition for allowance, and action to that end is courteously solicited. No additional claims fees are believed to be payable upon the Amendment. However, the Commissioner is hereby authorized to charge any deficiency in the required fees, or to credit any overpayment, to deposit account number 13-1940. If any issues remain to be resolved prior to the granting of this application, the Examiner is requested to contact the undersigned attorney for the Applicant at the telephone number listed below.



Respectfully submitted,

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CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that the foregoing **AMENDMENT (10 pages)**, and **Request for a Three-month Extension of Time (2 pages)** is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 29th day of August, 2005.

Marcie F. King

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